

ZB# 98-5

George Kirk

13-10-18

#98-05. Kirk, George
Area
13-10-18.

Prelim.

Jan. ~~12~~ 1998
Chattanooga, Tenn.
9/15/98
Need Title Policy
Notice to Sentinel - 1/14/99

Sold

Public Hearing:

Feb. 8, 1999.

Area Variance
Granted

Refund:
\$180.50

RECEIPT 037473

DATE 2000 19 1999

RECEIVED FROM George & Donna Kirk

Address _____

Payable 09/10 DOLLARS \$ 50.00

FOR ZBA # 95-5

ACCOUNT		HOW PAID	
DEBITING		CASH	10-41-95
CREDIT		CHECK	50.00
AMOUNT		MONEY	
PAID		ORDER	
BALANCE			
DU			

BY Dorothy H. Hansen
SK



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Kirk, George

FILE# 98-05

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE _____

APPLICATION FOR VARIANCE FEE \$ 50.00

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 1/10/99-4 pgs \$ 18.00

2ND PRELIMINARY- PER PAGE 2/15/99-7 \$ 31.50

3RD PRELIMINARY- PER PAGE \$ _____

PUBLIC HEARING - PER PAGE \$ _____

PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 49.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 1/12/99 \$ 35.00

2ND PRELIM. 2/15/99 \$ 35.00

3RD PRELIM. \$ _____

PUBLIC HEARING. \$ _____

PUBLIC HEARING (CONT'D) \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____

TOTAL \$ 119.50

LESS ESCROW DEPOSIT \$ 300.00

(ADDL. CHARGES DUE) \$ _____

REFUND DUE TO APPLICANT \$ 180.50

*Paid
ck # 4176
Paid 475.
1/14/99.*

Date 2/19....., 1999..

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO George Kirk DR.
45 Melrose Avenue, N.W.

DATE _____

CLAIMED

ALLOWED

[illegible]

In the Matter of the Application of

GEORGE KIRK

#98-05.

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES**

WHEREAS, GEORGE KIRK, residing at 45 Melrose Avenue, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for a 7 ft. side yard and 10 ft. rear yard variances for an existing shed at the above premises in an R-4 zone; and

WHEREAS, a public hearing was held on the 8th day of February, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of himself for this Application; and

WHEREAS, there were three spectators appearing at the public hearing; and

WHEREAS, one spoke in favor and two spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The portion of the Town in which this property is located is one of the older portions of the Town and many of the lots are substandard according to the current Zoning Regulations and the houses there are closer together than is required.

(c) The Applicant testified that there has been a shed on the property since the 40's but that the present shed was constructed in the 70's as a replacement for the then-existing shed put up by the previous owner.

(d) The shed which is the subject of this variance is similar in size to other sheds in the neighborhood but superior in appearance to many of them.

(e) The practical location of a shed on this property is complicated by the fact that this property is smaller than residential properties which would now be allowed.

(f) The shed is not on the top of any sewer or water easement, septic system or well.

(g) It does not interfere with any sewer or water easements, septic system or well.

(h) The shed does not create any ponding or collection of water and does not adversely affect the water drainage on the property.

(i) The shed is located approximately 3 ft. from the side yard in a manner which is similar to the way that others who have positioned sheds or garages on their property in the neighborhood because of the size of the lots.

(j) A complaint was made that the Applicant is using the shed/garage for the conduct of automobile work but it does not appear that that is the case as far as the Town of New Windsor is concerned.

(k) The shed is serviced by a driveway.

(l) The granting of a variance for the instant shed does not relieve the Applicant of the necessity to comply with all other provisions of the law including the New Windsor Town Code.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 7 ft. side yard and 10 ft. rear yard variance for an existing shed at the above address, in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 12, 1999.



Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

Prelim.
1/26/98 -
#98-05

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 12/1/97

APPLICANT: George Kirk
45 Melrose Avenue
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 12/1/97

FOR : For existing shed

LOCATED AT: 45 Melrose Avenue

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 13-10-18 existing house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing shed projects into 10' min. Rear & side yard set backs.


BUILDING INSPECTOR

PERMITTED 10'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 48-14-A-1-B

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

3'

7'

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

0

10'

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

13-10-18

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underlab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is not to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and per test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED
NOV 21 1997
BUILDING DEPARTMENT

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises George & Donna Kirk

Address 45 melrose Ave Phone 562-3227

Mailing Address 45 melrose Ave New Windsor, N.Y. 12553

Name of Architect NONE

Address _____ Phone _____

Name of Contractor NONE

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

(Name and title of corporate officer)

FOR OFFICE USE ONLY

Building Permit # _____

1. On what street is property located? On the _____ side of _____
(N,S,E or W)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated R-4 Is property a flood zone? Y _____ N _____
3. Tax Map Description: Section 13 Block 10 Lot 18
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 - a. Existing use and occupancy _____
 - b. Intended use and occupancy _____
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐
6. Is this a corner lot? _____ EXISTING R x 12 Street
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____

Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____

If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee \$ 50.
(To be Paid on this Application)
11. School District _____

Cash for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

Before the issuance of Certificate of Occupancy, if your construction project is subject to the Town of New Windsor, an additional fee may be required.

11/10/19 97

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi,
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 564-4618 563-4618
(914) 563-4693 FAX

Eld Insp Examined PL
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☒

12/11

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

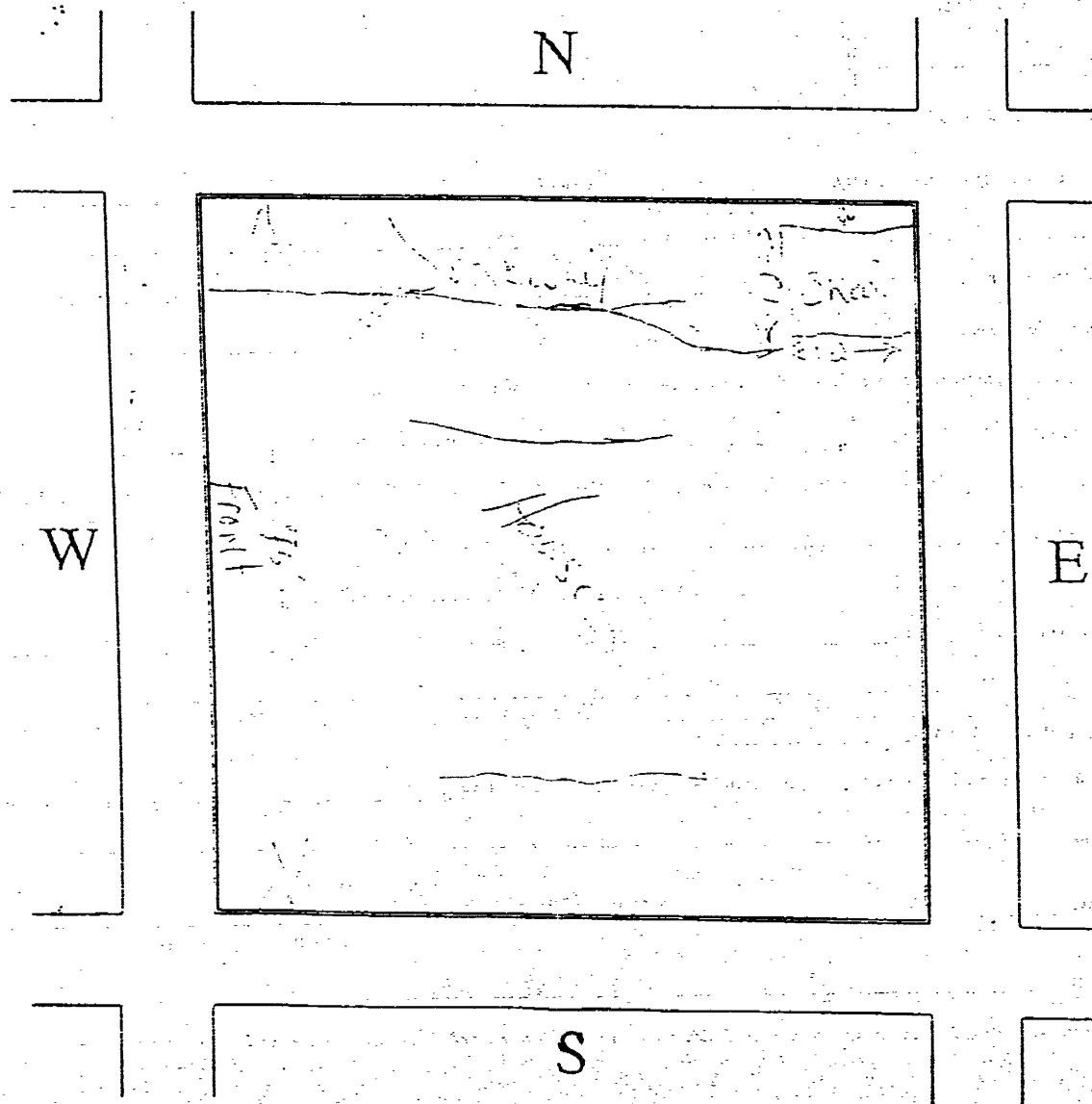
George Reed
(Signature of Applicant)

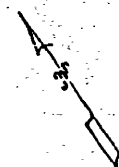
45-Melrose Ave
(Address of Applicant)

PLOT PLAN

NOTE:

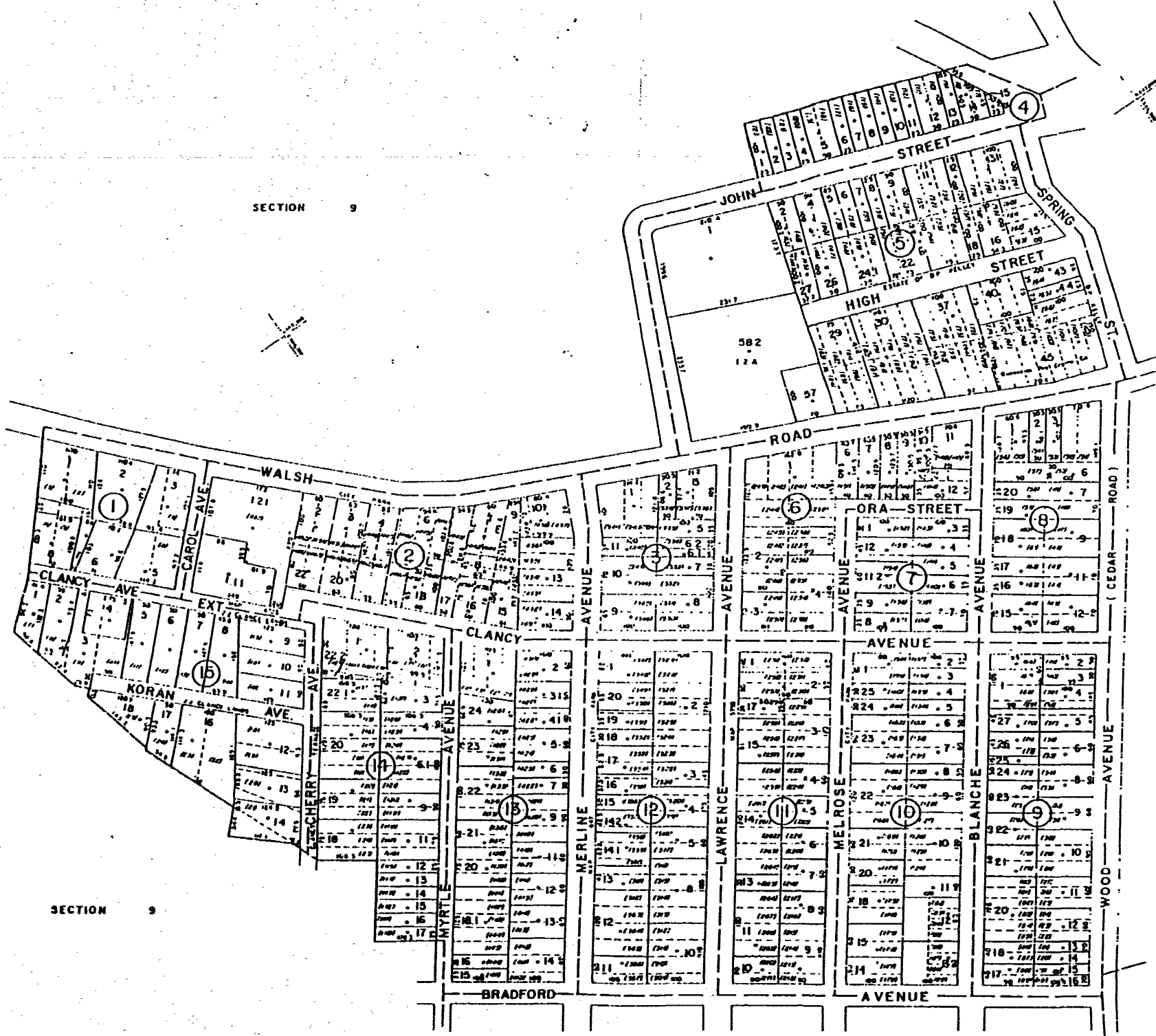
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





SECTION 9

SECTION 14



SECTION 9

SECTION 13

219

ALL NEWBURGH SCHOOL DISTRICT
ALL QUASSAUCK BRIDGE FIRE DISTRICT

Prepared by
ORANGE CO. TAX MAP DEPT.
BANK ST., BOWEN, N. Y. 10924
1989
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE MAP	PLAT PLAN AND LOTS	LOT AND BLOCK NO.	PLAT PLAN AND LOTS
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10
11	11	11	11
12	12	12	12
13	13	13	13
14	14	14	14
15	15	15	15

ORANGE COUNTY-NEW YORK

Photo No. 10-20-31 Date of Map: 9-24-87
Date of Photo: 3-1-83 Date of Revision: 3-1-87
Scale: 1" = 100'

TOWN OF NEW WINDSOR

Lot No. 13

2/8/99 Public Hearing - Kirk, George #98-05

Name:

Address:

Opposed
fixing of cons.
in driveway

Ulrichs Dorcoul

37 Melrose Ave

Angela McIntee

37 Melrose Ave

Joe Forry W. Kirk

46 Melrose Ave.

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

George Kirk

Applicant.

#98-05

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on Jan. 25, 1999, I compared the 108 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

*except for 3 which
were not included.*

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
26th day of Jan., 1999.

Deborah Green
Notary Public

**DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1999**

Date 2/13/77, 19...

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO DR.

DATE			CLAIMED	ALLOW.
2/8/99		Zoning Board Mtg	75.00	
		Misc - 2		
		Berman - 7		
		Cocchia - 2		
		Hink - 7	\$ 31.50	
		<u>18</u>	81.00	
			<u>156.00</u>	

PUBLIC HEARING

KIRK, GEORGE

MR. NUGENT: Request for 7 ft. side yard and 10 ft. rear yard variance for existing shed located at 45 Melrose Avenue in an R-4 zone.

MR. NUGENT: Is there anyone here for the George Kirk public hearing? Would you like to speak on this? We have a sheet for you to sign.

MS. BARNHART: For the record, 103 notices went out to adjacent property owners within 500 feet of this location.

MR. George Kirk appeared before the board for this proposal.

MR. KIRK: What exactly--

MS. BARNHART: You have to speak up so the reporter can hear you.

MR. NUGENT: Basically, you want to tell us why the shed is there, why it can't be moved.

MR. KIRK: Well, the shed's been there probably the house was built in the late '20s, so there's been a shed there probably I would have to venture cause I was the third owner probably in the '40s.

MR. NUGENT: How long have you lived there?

MR. KIRK: '91.

MR. KRIEGER: Was there a shed on the property when owned it?

MR. KIRK: Yes, the shed that's there now has been there since in the '70s. The reason that there's been replacement of the shed cause my neighbors their tree keeps falling on top of the shed, the last two sheds were metal and they were destroyed by her tree. So this one was erected, it was for whatever my brother

was the previous owner, he put it up, I believe under the assumption that there was no permit needed at the time, because it was just being replaced, not that they are actually building a new building, replacing a shed we're talking about a shed, not a building. He was replacing the same thing that was already there was previously there and as far as moving it, I have 175 foot lot, there's not really anyplace to put it, that would be more attractive than right there, even if I tried to put it in the center of my property, it would be right up on my back of my door, there's not much for room as far as any property goes.

MR. NUGENT: The shed is more or less a permanent structure?

MR. KIRK: No, it can be moved, but it would be an ordeal, you know, I'm not attempting it.

MR. REIS: Is it sitting on a concrete bed or wood floor?

MR. KIRK: No, actually, I think it's to the best of my knowledge, I believe it's just maybe blocks, to tell you the truth, I'm not sure, I never really looked under it. The base is good, it's been solid, it hasn't tilted or anything, it's a well built shed, as a matter of fact, but my neighbor's tree hit it.

MR. KRIEGER: Is it similar in size and appearance to other sheds in the neighborhood, not identical, similar?

MR. KIRK: No, it's not.

MR. KRIEGER: Are there other sheds in the neighborhood like it?

MR. KIRK: Not really, not that I can, garages that are probably the size.

MR. KRIEGER: How is this different from other sheds in the neighborhood?

MR. KIRK: I don't think anybody else has a shed, if

there are sheds, they are metal sheds, the cheaper ones.

MR. KRIEGER: But this is the same size as the other sheds?

MR. KIRK: 12 x 12, I think it is, yeah, it's just, you know, it's fancier, it's made out of wood, it's constructed to, you know, it has the same appearance as the house.

MR. NUGENT: Pass the pictures around so they got a chance to see it.

MR. KRIEGER: So it serves the same function as other sheds in the neighborhood?

MR. KIRK: Yes, it's storage.

MR. KRIEGER: Better constructed than many of them?

MR. KIRK: Yeah, obviously, yes, withstood the last battle with the tree.

MR. TORLEY: And you say that there's no other practical place in the yard to put it?

MR. KIRK: No.

MR. NUGENT: Are there any further questions by the board at this time?

MR. REIS: Is this causing any problem with any of the neighbors?

MR. KIRK: Apparently, yeah, that's why I'm here.

MR. REIS: That's what preceded you coming here, a complaint?

MR. KIRK: Yeah, I've been there seven years, unbeknownst to me that I had any problem as far as permits or anything like that, I moved into a house, I bought a house, why would I be under the assumption anything that's on the property, you know, is not

viable, you know, it should be good. I move into a house, you know, I go through a bank, you go through a loan, you should have a C.O. You walk into a house, you don't expect to be brought up seven years later about a shed, you know, that's just my opinion.

MR. REIS: One of the ones that slipped through the cracks.

MR. KIRK: 1978 I guess somewhere around there was when it was built, you know, so things have changed but, you know, why am I the one that has to pay for the changes, you know what I mean?

MR. KRIEGER: Is it on the top of any sewer or water easement or septic system or well?

MR. KIRK: No.

MR. KRIEGER: Doesn't interfere with any of those things?

MR. KIRK: No.

MR. KRIEGER: And it creates no ponding or collection of water?

MR. KIRK: No.

MR. KRIEGER: Doesn't affect adversely the water drainage?

MR. KIRK: No.

MR. REIS: Is this sitting right on your boundary?

MR. KIRK: Yes, it's probably two or three feet.

MR. NUGENT: Three feet from the side yard.

MR. KIRK: Where most people would position a garage, most of my neighbors, to get back to your question, most of them have garages that are positioned in the same manner because they are small lots when they built back then, they petitioned them off all the lots there.

MR. NUGENT: A lot of them are 25 foot. If there's no further questions, I'd like to open it up to the audience for comments and then we can comment. Anyone like to speak?

MR. TARCONE (PHONETIC): My name is Nick Tarcone, I live at 37 Melrose Avenue, we're right next to Mr. Kirk's property and I want to explain that like he mentioned, there's a willow tree there that keeps coming down, some branches here and there, and he's managed to sue us three times in this court within the last seven years because of it and it's been dismissed all these times. Another reason is he's creating a nuisance constantly by doing mechanical work. He has a stream of cars there in there all summer long, people trying to get their cars done. I don't know what he's doing, but he's changing engines, doing brake work, all those kind of things and he's threatening to change our way of life. We can't even sit on our deck anymore, he's got pneumatic tools in there, he's got power in there, it's more than a shed, it's a garage where people do work out of, it's not storage.

MR. NUGENT: You can't pull a car in it.

MR. TARCONE: You cannot pull a car, but he managed to pave his driveway all the way to the front of the shed. So I don't know what constitutes a shed over a permanent structure, but he does have power in the shed.

MR. NUGENT: Okay.

MS. ANGELA MONTELONE: Now, I bought the house in '71, Angela Montelone, I live at 37 Montrose Avenue, right next to George Kirk. I bought the house in '71, Mrs. McQuiston lived in that residence at the time, there was no other structure there, other than the house. George's brother, Jeff, bought the house, he did put a shed up, I had no problem with a shed being there. There was a problem then he put another shed up with it, I guess a bigger one and then George bought the house. Now, I have no problem with the shed being there, it's the work that is being done out of there.

that I really have been upset about and I have been complaining since 1997 and I have pictures showing the cars lined up in the driveway since '97 on the weekend. Now, we work 16 hour days, six days a week, the only day we have off is a Sunday and we can't even relax on our deck.

MR. NUGENT: Thank you very much.

MR. JEFFERY KIRK: Jeffrey Kirk, I live at 46 Melrose, which is the former Pushman house. I owned 45 Melrose, I bought it in 1974, but she's correct, I don't think there was a shed there when I bought the house. But when I moved in, I think the during my closing, there was an extremely large limb fell off of that silly tree that seems to keep popping up and we had to remove that and I did put up, going back, but I put up a 10 x 10 metal shed, both of which were destroyed by the tree, the limbs go right through the thing. And it's done, I never sued them, I never tried to, you know. So when I decided to put up that one, I figured I would make it stand for a while, it's just frame construction, it's Texture 111, painted, trimmed, it looks nice, it does fit the area, and it's really not harming anything.

MR. NUGENT: You built that shed?

MR. J. KIRK: Yes.

MR. NUGENT: Stick built?

MR. J. KIRK: Yes, at the time I did talk to somebody and they said if you didn't put a pad, make it permanent, I didn't need a variance. So, you know, I can't even remember who the heck I talked to, that's how long ago it was, but I did live there 20 years. That's all.

MR. NUGENT: Thank you.

MR. J. KIRK: Automotive work doesn't bother me at all, I live right across the street.

MR. KIRK: I don't run a commercial shop out of my house. I work on my own vehicles, I work on friends'

vehicles. I don't do it on a Sunday morning at 9 o'clock in the morning. I do it either in the evening hours or whatever, it's not a commercial shop. I don't charge people money, I do it as favors and I do it on my own vehicles to save myself some money. And as far as a nuisance or anything, as far as being sued in this court about a tree, you're right, I did and there's a specific reason that I brought this person into this court, because I have a five year old daughter that obviously you see there is not much room for my daughter to play in the yard of that size and when you have limbs that come down in the size of that to do the damage that it did to a truck and it happened to be a perfect, sunny, 75 degree day that this happened because the tree is dead, it has ants in it, it should be removed.

MR. NUGENT: Mr. Kirk, I don't want to cut you short, we're not talking about the tree.

MR. KIRK: It's a frustrating thing.

MR. NUGENT: We're not talking about any work that you do in your yard, what we're talking about is an existing shed that projects too close to the rear inside yards, that's what we're talking about here at this meeting and that's the only thing that I want you people to keep in mind. Are there any further questions? I'll accept a motion then.

MR. REIS: I make a motion that we grant Mr. Kirk his requested variance for 7 foot side yard and 10 foot rear yard for his existing shed.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. REIS	AYE
MR. NUGENT	AYE

Pls. publish immediately. Send bill to Applicant at Below address.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 5

Request of George & Donna Kink

for a VARIANCE of the Zoning Local Law to permit:

Shed in left back corner of lot which
has insufficient rear and side yards;

being a VARIANCE of Section 48-12-Table of
Use/Bulk Regs. - Cols. F & G.

for property situated as follows:

45 Melrose Ave New Windsor N.Y. 12553

known as tax lot Section 13 Block 10 Lot 18

SAID HEARING will take place on the 8th day of February,
1999, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

Amos Nugent.
Chairman

By: Patricia A. Barnhart, Sec.

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

Jeffrey W. Kirk
Frances F. Kirk

TO

George O. Kirk
Donna M. Kirk

SECTION 13 BLOCK 10 LOT 18

RECORD AND RETURN TO:
(Name and Address)

Mark E. Wright
PO Box 422
Fishkill N.Y.
12524

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 53979 DATE 4/25/91 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove
CI122 Chester
CO24 Cornwall
CI126 Crawford
DP28 Deerpark
GO30 Goshen
GN32 Greenville
HA34 Hamptonburgh
HI136 Highlands
MK38 Minisink
ME40 Monroe
MY42 Montgomery
MH44 Mount Hope
NT46 Newburgh (T)
NW48 New Windsor
TU50 Tuxedo
WL52 Watkill
WK54 Warwick
WA56 Wawayanda
WO58 Woodbury
MN09 Middletown
NC11 Newburgh
PJ13 Port Jervis
9999 Hold

SERIAL NO. _____

Mortgage Amount \$ _____

Exempt Yes _____ No _____

3-6 Cooking Units Yes _____ No _____

Received Tax on above Mortgage

Basic \$ _____

MTA \$ _____

Spec. Add. \$ _____

TOTAL \$ _____

CHECK ☒ CASH ☐ CHANGE _____

MORTGAGE TAX \$ _____

TRANSFER TAX \$ 340.00

Ed Fund 5.00

RECORD FEE \$ 17.00

REPORT FORMS \$ 5.00

CERT. COPIES \$ _____

MARION S. MURPHY
Orange County Clerk

by: SA

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on APR 26 1991

at 11:35 O'Clock A M.

In Liber/Film 3437 deeds

of page 47 and examined.

Marion S. Murphy
County Clerk

RECEIVED
\$ 340.00
REAL ESTATE
APR 26 1991
TRANSFER TAX
ORANGE COUNTY

LIBER 3437 PAGE 47

ORG 04/26/91 11:35:57 17481 22.00

***** EDUCATION FUND: 5.00 *****

DEED CONTROL NO: 53979 340.00 *

***** SERIAL NUMBER: 005872 *****

STATE OF NEW YORK (COUNTY OF ORANGE) SS:

I, DONALD L. BENSON, COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE ON 4-26-91 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL



12-15-98

Donald L. Benson

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

17-340-226

THIS INDENTURE, made the 25th day of APRIL, nineteen hundred and ninety-one

BETWEEN

FRANCES F. KIRK and JEFFERY W. KIRK, as tenants by the entirety, residing at: 45 Melrose Avenue New Windsor, New York 12553

party of the first part, and

GEORGE O. KIRK and DONNA M. KIRK, as tenants by the entirety, residing at: 28 Noel Drive, Newburgh, New York 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

-----TEN AND NO/100 (10.00)-----dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

PARCEL I

ALL that tract or parcel of land, situate in the Town of New Windsor, in the County of Orange and State of New York, being lots No. 173 and 174 on a Map or Plan of City Park, dated August 16, 1909, made by A.L. Eliot, Civil Engineer, and filed in the Office of the Clerk of Orange County August 30, 1909 as Map No. 6478, and more particularly described as follows:

BOUNDED northwesterly by Melrose Avenue, 60 feet; northeasterly by Lot No. 172 on said Plan, 100 feet; southeasterly by a line drawn parallel to Melrose Avenue and distant 100 feet therefrom, 60 feet to Lot No. 175 on said Plan, distant 110 feet from Bradford Avenue, and thence southwesterly, parallel with Bradford Avenue, 100 feet to the place of beginning.

PARCEL II

ALL that certain lot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York, and more particularly described as follows:

BEGINNING at a point on the southeasterly side of Melrose Avenue in the aforementioned Township, which said point is distant 170 feet on a course of North 46° 30' East from an iron pin found at a corner post at the intersection of the southeasterly line of Melrose Avenue with the northeasterly line of Broadway Avenue; thence South and along the line of other lands of the grantee herein 43° 14' East 100 feet to an iron pin; thence North 46° 30' East 10 feet to an iron pin; thence North 43° 14' West 100 feet to an iron pin set in the southeasterly line of Melrose Avenue; thence on a course of South 46° 30' West along the southeasterly line of Melrose Avenue 10 feet to the point or place of beginning.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Frances F. Kirk
FRANCES F. KIRK

Jeffery W. Kirk
JEFFERY W. KIRK

STATE OF NEW YORK, COUNTY OF ORANGE

On the 2nd day of APRIL 1991, before me personally came FRANCES P. KIRK and JEFFERY W. KIRK

to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Mark E. Wright

MARK E. WRIGHT
Notary Public, State of New York
Qualified in the Southern County
Commission Expires July 1992

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Margate and Hale Beach
WITH COVENANT AGAINST GRANTOR'S ACES
TITLE No.

Frances & Jeffery Kirk

TO

George & Donna Kirk

SECTION 13
BLOCK 10
LOT 18

AROUND DUNK TOWN OF New Windsor

RETURN BY MAIL TO:

MARK E. WRIGHT, ESQ.
266 MAIN STREET
P.O. BOX 422
FISHKILL, NY 12524

Zip No.

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
SECURITY TITLE AND GUARANTY COMPANY
CHARTERED 1900 **ST** IN NEW YORK

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 3437 PAGE 51

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

98-05

Date:

1/14/99.

I. Applicant Information:

- (a) George Kirk. 45 melrose Ave New Windsor, N.Y. 12553
(Name, address and phone of Applicant) (Owner)
- (b) Same
(Name, address and phone of purchaser or lessee)
- (c) Same
(Name, address and phone of attorney)
- (d) Same
(Name, address and phone of contractor/engineer/architect)

II. Application type:

☐ Use Variance

☐ Sign Variance

☒ Area Variance

☐ Interpretation

III. Property Information:

- (a) R4 45 melrose Ave New Windsor. 13-10-18 100' X 75'
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.?
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO.
- (d) When was property purchased by present owner? 7 YRS. 1991
- (e) Has property been subdivided previously? NO.
- (f) Has property been subject of variance previously? NO.
If so, when?
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? YES.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: YES. Storage Shed.
ON back of corner of lot, size 12' X 12'
left

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No _____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10'</u>	<u>2'</u>	_____
Reqd. Rear Yd. <u>10'</u>	<u>1'</u>	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

Shed has always been there, was there when I
purchased house in 1991, there is no other place for the
shed to go.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- _____ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- _____ Copy of tax map showing adjacent properties.
- _____ Copy of contract of sale, lease or franchise agreement.
- _____ Copy of deed and title policy.
- _____ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- _____ Copy(ies) of sign(s) with dimensions and location.
- _____ Two (2) checks, one in the amount of \$_____ and the second check in the amount of \$_____, each payable to the TOWN OF NEW WINDSOR.
- _____ Photographs of existing premises from several angles.

X. Affidavit.

Date: _____

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

(Applicant)

Sworn to before me this

_____ day of _____, 19____.

XI. ZBA Action:

(a) Public Hearing date: _____.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

GEORGE KIRK
 DONNA KIRK
 45 MELROSE AVE.
 NEW WINDSOR, NY 12553

50-235 **612**
 219
 0223171893

4176
 DATE 1-14-99

PAY TO THE ORDER OF town of New Windsor \$ 300⁰⁰/₁₀₀
Three Hundred dollars & ⁰⁰/₁₀₀ DOLLARS

THE BANK OF NEW YORK
 Broadway & Quaker Avenue
 Cornwall, NY 12518

MEMO TOWNSHIP 26A #48-5 George Kirk

⑆021902352⑆ ⑆0223171893⑆ 4176

GEORGE KIRK
 DONNA KIRK
 45 MELROSE AVE.
 NEW WINDSOR, NY 12553

50-235 **612**
 219
 0223171893

4175
 DATE 1-14-99

PAY TO THE ORDER OF town of New Windsor \$ 50⁰⁰/₁₀₀
Fifty dollars & ⁰⁰/₁₀₀ DOLLARS

THE BANK OF NEW YORK
 Broadway & Quaker Avenue
 Cornwall, NY 12518

MEMO perm. # 26A #48-5 George Kirk

⑆021902352⑆ ⑆0223171893⑆ 4175



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4630
Fax: (914) 563-4693

Office of Zoning Board of Appeals

January 7, 1999

Mr. George Kirk, Sr.
45 Melrose Avenue
New Windsor, N. Y. 12553

Re: ZBA File #98-05 - Application for Variance

Dear Mr. Kirk:

On December 18, 1998 you dropped off several unsealed envelopes for mailing. The envelopes did not have any contents. You also dropped off a copy of your deed.

Please be advised that I am returning these envelopes to you as I don't know what you want me to do with them. In accordance with the Procedure for Public Hearing that I furnished at the January 12, 1998 meeting, almost one year ago, you were supposed to file copies of your Application for a Variance together with the public hearing notice and fees. I am attaching another copy of the procedure for your information.

Since it is more than one year from the date of your initial preliminary meeting and you have not followed the procedure, you must contact the Building Inspector's office for an updated Notice of Disapproval of Building Permit Application.

I tried to reach you several times by telephone during the workday but was unsuccessful.

Very truly yours,

Patricia A. Barnhart, Secretary

/pac

Enclosures

cc: Lou Krychear, Asst. Building Inspector



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

November 5, 1998

~~100~~ 103

Mr. George Kirk
45 Melrose Ave
New Windsor, NY 12553

RE: Parcel # 13-10-18

Dear Mr. Kirk:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service \$115, minus your deposit of \$25.00.

Please remit the balance of \$90.00 to the Town Clerk's office.

Sincerely,

S. Cook

LESLIE COOK
Sole Assessor

/jff
Attachments

CC: Pat Barnhart, ZBA

13-12-13
Valarie A. Robinson
47 Merline Ave.
New Windsor, NY 12553

13-12-14.1
Thomas & Rose DeToro
45 Merline Ave.
New Windsor, NY 12553

13-12-14.2
Malinda Nieves
C/o: Tiberio Corrieri
41 Merline Ave.
New Windsor, NY 12553

13-12-15
Hazelton & Anna Kerr
37 Merline Ave.
New Windsor, NY 12553

13-12-16
James & Rose Sears
C/o: Robert Sears
35 Merline Ave.
New Windsor, NY 12553

13-12-17
Ryan & Stacey Boast
104 Lakeside Rd.
Newburgh, NY 12550-5716

13-12-18
Gus & Anna Cimorelli
29 Merline Ave.
New Windsor, NY 12553

13-12-19
Nicholas & Jean Garzione
27 Merline Ave.
New Windsor, NY 12553

13-12-20
Katalin Tolnai
25 Merline Ave.
New Windsor, NY 12553

13-13-11
George & Sheila Manning
46 Merline Ave.
New Windsor, NY 12553

13-13-12
Jerry Stuit
48 Merline Ave.
New Windsor, NY 12553

13-13-13
Dennis & Joan Maher
54 Merline Ave.
New Windsor, NY 12553

13-13-14
Richard & MaryAnn Hotaling, Etal
C/o: Michael Paz
60 Merline Ave.
New Windsor, NY 12553

14-6-1
Cavalry Cemetery
Church of St. Patrick
55 Grand St.
Newburgh, NY 12550

15-6-1
Anthony & Iolanda Esposito
29 Bradford Ave.
New Windsor, NY 12553

15-6-2
Gregory P. Greiner
70 Lawrence Ave.
New Windsor, NY 12553

15-6-3
David & Cheryl Hamilton
74 Lawrence Ave.
New Windsor, NY 12553

15-6-4
William R. Oliver
955 Rte. 32
Wallkill, NY 12589

15-6-6
Connie Salamotoff
84 Lawrence Ave.
New Windsor, NY 12553

15-6-13
Walter & Arlene Ryan
110 Chestnut Dr.
New Windsor, NY 12553

15-6-14
Benjamin Bruno
73 Merline Ave.
New Windsor, NY 12553

15-7-2
Susan Olympia
58 Melrose Ave.
New Windsor, NY 12553

15-7-3
William & Marie D'Amico
64 Melrose Ave.
New Windsor, NY 12553

15-7-4
Dominick D'Egidio & Alfred Crudele Jr.
68 Melrose Ave.
New Windsor, NY 12553

15-7-5
Odis & Marion Morris
76 Melrose Ave.
New Windsor, NY 12553

15-7-8
Stanley J. Fornal, Jr.
C/o: Martha J. Fornal
205 Quassaick Ave.
New Windsor, NY 12553

15-7-9
Dennis Lebron & Ada Rivera
349 Huckleberry Tpke.
Wallkill, NY 12589

15-8-1
Dennis & Barbara Russell
55 Melrose Ave.
New Windsor, NY 12553

15-7-11
Rhoda Cianco & Rose Mustakas
6 Old Indian Rd.
Milton, NY 12547

15-8-2
Monica Kissam
9 Bradford Ave.
New Windsor, NY 12553

no notification

13-12-13

30

13-11-1

Peter I. & Christine M. Gandolfi
16 Melrose Ave.
New Windsor, NY 12553

13-11-13

Carolyn D. Ross
44 Melrose Ave.
New Windsor

13-11-2

John & Jayne Kelly
20 Melrose Ave.
New Windsor, NY 12553

13-11-14

Thaddeus Malinowski &
John Rymaszewski
39 Lawrence Ave.
New Windsor, NY 12553

13-11-3

Robert P. Gaydos
19 Continental Drive
New Windsor, NY 12553

13-11-15

Bradley A. & Paula Sanguinetti
33 Lawrence Ave
New Windsor, NY 12553

13-11-4

Daniel J. & Mary Baxter
30 Melrose Ave.
New Windsor, NY 12553

13-11-17

Secretary of Veterans Affairs
1240 East 9th Street
Cleveland, OH 44199

13-11-5

Mira Ellen Rumsey
C/o Mira Ellen Blythe
7 Perry Street
Morristown, NJ 07960

13-12-2

The Disabled American Veterans
C/O The Thomas D. Peterkin Post Chpt 152
Attn: Treasurer
30 Lawrence Ave
New Windsor, NY 12553

13-11-6

Amelia Kulik
38 Melrose Ave.
New Windsor, NY 12553

13-12-3

Dennis & Linda Kadian
36 Lawrence Ave
New Windsor, NY 12553

13-11-7

Carolyn D. Rossi
44 Melrose Ave.
New Windsor, NY 12553

13-12-4

Gina M. Bernabo
40 Lawrence Ave
New Windsor, NY 12553

13-11-8

Jeffrey W. & Frances Kirk
46 Melrose Ave.
New Windsor, NY 12553

13-12-5

Christina Nieves
44 Lawrence Ave
New Windsor, NY 12553

13-11-9

Edward A. & Helen B. Simanowski
56 Melrose Ave.
New Windsor, NY 12553

13-12-8

Dorrel A. Harvey
46 Lawrence Ave
New Windsor, NY 12553

13-11-10

Rhoda Ciano &
Rose Mustakas
6 Old Indian Road
Milton, NY 12547

13-12-10

Malinda Nieves
75 Carter Street
Newburgh, NY 12550

13-9-21
Mans Brothers Realty Inc.
PO Box 247
Vails Gate, NY 12584

13-09-24
✓ Charles & Joy Conklin
37 Blanche Ave.
New Windsor, NY 12553

13-10-15
✓ Barbara Booth, ETAL
51 Melrose Ave
New Windsor, NY 12553

13-9-13
Lino & Ida Gandolfini
C/o Linda Gandolfini Cox
PO Box 83
Valley Forge, PA 19481

13-10-02
✓ Nicholas, James & Angela Szajko
9 Clancy Ave.
New Windsor, NY 12553

13-10-20
✓ Angela Monteleone
37 Melrose Ave
New Windsor, NY 12553

13-9-23
Robert & Kathleen Connor
39 Blanche Ave.
New Windsor, NY 12553

13-12-11
✓ Abie M. & Maria Colon
57 Merline Ave
New Windsor, NY 12553

13-10-22
Edward P. & Pauline Starr
33 Melrose Ave
New Windsor, NY 12553

13-10-1
Jeffrey & Jeanne Stent
15 Melrose Ave.
New Windsor, NY 12553

13-12-12
✓ Rose M. Piperato, ETAL
51 Merline Ave
New Windsor, NY 12553

13-10-4
Joseph & Agnes Conklin
28 Blanche Ave
New Windsor, NY 12553

13-10-07
Rose Grossholtz
19 Windsor Drive
New Windsor, NY 12553

13-10-09
✓ Joseph C. & Joyce M. Rahemba
40 Blanche Ave
New Windsor, NY 12553

13-9-26
Albert & Stella Irwin
35 Blanche Ave
New Windsor, NY 12553

13-07-07
Edna & Toni DiDonato
10 Clancy Ave.
New Windsor, NY 12553

13-10-10
Charles & Anna Simanoski
44 Blanche Ave
New Windsor, NY 12553

13-9-22
Andrew & Amy Kohl
43 Blanche Ave
New Windsor, NY 12553

13-09-01
Joseph & Cecelia Caesar
7 Clancy Ave.
New Windsor, NY 12553

13-10-23
Roy W. Coykendall
25 Melrose Ave
New Windsor, NY 12553

13-9-12
Zygmunt & Stella Orzechowski
61 Blanche Ave
New Windsor, NY 12553

13-09-04
John & Lillian Dabroski
28 Cedar Ave.
New Windsor, NY 12553

13-10-24
William Ramos
23 Melrose Ave
New Windsor, NY 12553

13-9-18
Anthony C. Tallarico
63 Blanche Ave
New Windsor, NY 12553

13-09-11
Lillian K. Maley
40 Cedar Ave.
New Windsor, NY 12553

13-10-13
✓ Cosmo & Stephanie Yonnone
67 Myrtle Ave
New Windsor, NY 12553

15-8-12
Christopher Lombardo & Lynn
52 Cedar Ave.
New Windsor, NY 12553

13-09-17
Johanna & Lawrence Mowery
6 Bradford Ave.
New Windsor, NY 12553

13-10-14
Leroy & Rosemarie Stanford
53 Melrose Ave
New Windsor, NY 12553

13-9-10
Dean T. Vanzandt
38 Cedar Ave
New Windsor, NY 12553

15-8-3
Estelle Warren
100 Blanche Ave.
New Windsor, NY 12553

15-8-4
Charles & Jane Baranski
106 Blanche Ave.
New Windsor, NY 12553

15-8-9
Charles & Anna Simanoski
5 Bradford Ave.
New Windsor, NY 12553

13-6-4
Chester & Evelyn Grzibowski
12 Melrose Ave
New Windsor, NY 12553

15-8-13.1
Anthony & Arlene Yonnone
56 Cedar Ave.
New Windsor, NY 12553

15-8-13.211
Alfred & Sharon Barrett
85 Blanche Ave.
New Windsor, NY 12553

15-8-13.231
Joseph A. Antonelli
77 Melrose Ave.
New Windsor, NY 12553

15-8-14
Alfred & Estelle Ortenzo
75 Melrose Ave.
Newburgh, NY 12550

15-8-15
William & Carol Lee Hoyer
71 Melrose Ave.
New Windsor, NY 12553

15-8-16
Anthony c. & Dolores Gerbes
69 Melrose Ave.
New Windsor, NY 12553

15-8-18
Richard & Wendy Gerbes
59 Melrose Ave.
New Windsor, NY 12553

15-8-20.11
Gary & Joanne Phillips
PO Box 4706
New Windsor, NY 12553

16-1-1
Franklin & Rachelle Critelli
2 Bradford Terr.
New Windsor, NY 12553

16-1-18
Thomas V. Oddo As Trustee for Inex Trust
PO Box 872
Goshen, NY 10924

16-1-8.1
Donald P. & Joan Boehm
120 Quassaick Ave.
New Windsor, NY 12553

13-9-9
Anthony & Helen Russo
36 Cedar Ave
New Windsor, NY 12553

13-9-6
Three-D Realty Inc.
C/O Carmine & Louise Damario
61 Clancy Ave
New Windsor, NY 12553

13-12-1
Charles V. & Ann Rhodes Jr.
19 Merline Ave.
New Windsor, NY 12553

13-9-3
Thomas & Katherine Jones
26 Cedar Ave
New Windsor, NY 12553

13-9-5
William & Dorothy Scott
30 Cedar Ave
New Windsor, NY 12553

13-9-2
Ralph & Katherine Valenzano
24 Cedar Ave
New Windsor, NY 12553

13-8-15
Frank & Mary Gerbes, Jr.
6 Clancy Ave
New Windsor, NY 12553

13-06-03
Eileen Heddedn & Irene Shafer
C/O Eileen G. Sharrow
19 Lawrence Ave
New Windsor, NY 12553

Date 11/19/98, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth DR.

168 N. Drury Lane

..Newburgh; N.Y.: 12550

DATE		CLAIMED	ALLOWED
1/12/88	Zoning Board Mtg	75 00	
	Misc 22		
	Waltke - 6		
	Frieuman - 7		
	metzger - 4		
	Rossland - 5		
	Wahlbon - 3		
	Kirk - 4 \$18.00	139 50	
	<u>31</u>	<u>214 50</u>	

PRELIMINARY MEETING

KIRK, GEORGE

Mr. George Kirk appeared before the board for this proposal.

MR. KIRK: This is on a pre-existing on a shed, this shed was existing when I bought the house and I bought the house off my brother, I'm the third owner, 45 Melrose Avenue,

MR. NUGENT: Are you Jeff's brother?

MR. KIRK: Yes. There has always been a shed in this exact location, they just, there are two metal sheds prior to the wood shed and they got destroyed by the tree so every time they got destroyed, another one would be put up. And this picture shows approximately I'd have to say early '70's going by Jeff's age and this doesn't show completely but it's built on posts so it is not type of foundation or anything underneath of it and at the time, no permit or whatever was required so--

MR. NUGENT: This is his old house?

MR. KIRK: Yes, yeah.

MS. OWEN: Do you have a picture of it now?

MR. KIRK: Yes.

MR. KRIEGER: Mike, what's the story with this, is it too close to a line or--

MR. BABCOCK: Yeah, it's required to be ten foot, it's only three foot from the property line, so he needs a variance of seven feet.

MR. KRIEGER: Is this the kind of, is it so constructed it can be moved easily or is it pretty much set in?

MR. KIRK: No, not just the fact that it is, it would be a monster to move it, also there's no place for it

to go. I have 175 foot lot and there is not a lot of room.

MR. KRIEGER: I understand the lots there are small, the reason I mention it is because by law, the Zoning Board of Appeals must act after a public hearing and can only act after a public hearing if it's granted to you some expense on your part and I wanted to make sure that there was no other way that you could accomplish the required relocation without going through that expense and it appears not so.

MR. KIRK: What type of expense am I looking at?

MR. KRIEGER: Well, you have got to get a list from the tax assessor.

MR. NUGENT: Mail them all out.

MR. KRIEGER: There's a, when you go through the, after the, if the board decides to set you up for a public hearing--

MR. KIRK: Some kind of a grandfather clause?

MR. NUGENT: Not if it's in the '70's.

MR. BABCOCK: Not only that, Mr. Chairman, if you replace a shed, if a shed falls down or I tear it down or whatever and you replace it, you need a new permit to replace it because as the years go by, the rules change and so he's replaced a shed not only a few times I guess a couple times.

MR. KIRK: No, I have never replaced it.

MR. BABCOCK: It's been replaced, right?

MR. KIRK: Yes.

MR. BABCOCK: It would have required a permit then not only even the original one according to our records.

MR. KIRK: In the '70's?

MR. BABCOCK: Yes.

MR. KRIEGER: Prior to '66 you wouldn't be sitting here, after that, it's required.

MR. KIRK: Even though it's on a permanent foundation?

MR. KRIEGER: Permits for sheds, they are required.

MR. BABCOCK: Yeah.

MR. REIS: So there is no place else you can put it?

MR. KIRK: No.

MR. REIS: He asked about cost, can you give him an approximate?

MS. BARNHART: I have the paperwork right here.

MR. KRIEGER: Which will probably answer that question for you.

MS. BARNHART: This is for an area variance only, would be \$50 application fee, plus \$300 as a consulting escrow deposit if we don't use all of it, you get part of that back.

MR. KRIEGER: Plus whatever the cost that the tax assessor's list is, there's no way of estimating that, it depends how many names are on the list.

MR. BABCOCK: Typically, applications like that, part of it is refunded.

MS. BARNHART: Unless it goes on forever and ever and we talk all night long.

MR. REIS: You're looking at a cost of approximately \$200.00.

MS. BARNHART: Approximately, maybe more, maybe less.

MR. KRIEGER: There are no guarantees, this board can't control it in anyway.

MR. KIRK: I understand, just a guideline.

MR. REIS: Do you wish to pursue it?

MR. KIRK: Oh, absolutely.

MR. REIS: Accept a motion?

MR. NUGENT: Accept a motion.

MR. REIS: Motion we set up Mr. Kirk for his requested variance.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MS. BARNHART: This is your paperwork.

MR. KRIEGER: These are criteria that the state has set forth on which the Zoning Board of Appeals must decide. If you would address yourself to those criteria in making your presentation, it would be helpful and at the hearing, I will need to see your deed and your title policy. I don't need to keep them, I don't need copies, I will just look at them and give them right back to you.

MR. KIRK: Okay.

MR. NUGENT: You're all set.

MR. KIRK: And the date on this is?

MS. BARNHART: You have to file the paperwork with me and then first thing you have to do is order that list cause that takes the longest. Okay?

MR. KIRK: Okay, thank you.